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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Tetsuo TANIGUCHI et al.

Group Art Unit: 2877

Application No.: 09/593,800

Examiner: P. Connolly

Filed: June 15, 2000

Docket No.: 106514

For: STAGE DEVICE AND EXPOSURE APPARATUS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the April 7, 2004 Restriction Requirement, Applicants hereby elect Group I, claims 1, 4-8, 16, 21-23 and 35-46. This election is made with traverse.

First, Applicants respectfully submit that the Restriction Requirement at this late stage of prosecution is not appropriate because the Patent Office has issued several (four) Office Actions examining the claims from both Groups of claims. The Office Action basically re-asserts the Restriction Requirement that was made on January 18, 2001, and then subsequently withdrawn by the Patent Office. As indicated in MPEP 704.01 and 706.04 "full faith and credit should be given to the search and action of the previous examiner unless there is a clear error..." As four Office Actions have issued on the claims from both Groups, the Patent Office has demonstrated that the two alleged groupings of claims can be examined together, and has in fact already done so.

Second, because all claims from Group II were allowed in the last Office Action, Applicants submit that the Group II claims should not be withdrawn from consideration by the Examiner.

Third, it is respectfully submitted that the subject matter of all pending claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would (and already has) necessarily encompass(ed) a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that a search and examination of the entire application could be (and has been) performed without serious burden. MPEP §803 states that "if the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." As the Patent Office already has examined claims from both Groups, it is respectfully submitted that there is no undue burden on the Patent Office to continue examining both alleged groupings of claims.

In addition, please note that the present application is a continuation of an International Application, and is not a National Stage of an International Application. Accordingly, the analysis set forth on the bottom of page 2 of the Restriction Requirement is not appropriate for the present application.

The Patent Office is requested to act on all pending claims as set forth in the October 3, 2003 Amendment. The Patent Office also is requested to consider the information submitted with the October 3, 2003 Information Disclosure Statement.

Withdrawal of the Restriction Requirement and further examination are earnestly solicited.

Respectfully submitted,



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